

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BRADLEY ACALEY, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

VIMEO, INC., a Delaware corporation,

Defendant.

No. 1:19-cv-07164

Hon. Matthew F. Kennelly

**STIPULATION TO REMAND ACTION TO THE
CIRCUIT COURT OF COOK COUNTY**

Plaintiff Bradley Acaley (“Plaintiff”) and Defendant Vimeo, Inc. (“Defendant”) (collectively, the “Parties”), by and through their undersigned counsel, hereby stipulate and agree to remand this action (“Action”) to the Circuit Court of Cook County, Illinois, County Department, Chancery Division, where it was originally filed.

In support of the instant stipulation, the Parties state as follows:

WHEREAS, this Action was originally filed in the Circuit Court of Cook County, Illinois, County Department, Chancery Division on September 20, 2019 (*Acaley v. Vimeo, Inc.*, Case No. 2019CH10873).

WHEREAS, on October 31, 2019, Defendant removed this Action to the United States District Court for the Northern District of Illinois (ECF No. 1).

WHEREAS, through the assistance of mediation with Joel Shapiro, the Chief Circuit Mediator for the Seventh Circuit Court of Appeals, the Parties reached a settlement-in-principle

that, if finally approved, will resolve all claims asserted in this Action. The Parties have since finalized and executed their settlement agreement.

WHEREAS, since the removal of this action, the Seventh Circuit has issued three decisions that address Article III subject matter jurisdiction for various types of claims brought under the Illinois Biometric Information Privacy Act (740 ILCS 14/1 et seq.): *Bryant v. Compass Group USA, Inc.*, 958 F.3d 617 (7th Cir. 2020); *Fox v. Dakota Integrated Sys., LLC*, 980 F.3d 1146 (7th Cir. 2020); and *Thornley v. Clearview AI, Inc.*, 984 F.3d 1241 (7th Cir. 2021).

WHEREAS, in light of the rulings in *Bryant*, *Fox*, and *Thornley*, the Parties' settlement contemplates effectuation of the settlement of all claims in the Circuit Court of Cook County, Illinois, where the Action was originally commenced, and where there is no uncertainty regarding the Circuit Court's jurisdiction over all claims alleged in the Action.

WHEREAS, the Parties have conferred and agreed that the Action should be remanded to the Circuit Court of Cook County, Illinois for all further proceedings related to the settlement; and

WHEREAS, the Parties have further agreed that the remand contemplated herein shall be without prejudice to Defendant's rights pursuant to 28 U.S.C. §§ 1441, 1446, and 1453.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED:

1. This Action shall be remanded to the Circuit Court of Cook County, Illinois, County Department, Chancery Division;
2. Remand of this Action shall be without prejudice to Defendant's rights pursuant to 28 U.S.C. §§ 1441, 1446, and 1453;
3. The Clerk of the Court shall mark this Action as closed; and
4. Each party to bear their own fees and costs.

Dated: June 3, 2022

By: /s/ Bradley K. King

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Putative Class*

Respectfully submitted,

By: /s/ Joel Griswold*

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* Signed with consent